

NIKCI BOYD, *et al.*,  
Plaintiffs,  
vs.  
SIEGEL GROUP COMPANY,  
Defendant.

2:13-cv-00357-MMD-CWH  
**FINDINGS AND  
RECOMMENDATION**

Plaintiffs submitted an Application to Proceed *in Forma Pauperis* (#1) and Complaint on March 4, 2013. On March 5, 2013, the Court entered an Order denying without prejudice Plaintiffs' Application to Proceed *in Forma Pauperis* (#2). The Court found Plaintiffs' Application to be incomplete because it did not state the amount of money received from the Social Security Administration nor include a description of expenses. As a result of the defects regarding Plaintiffs' income and expenses, the Court found that there was insufficient information to determine whether Plaintiffs are eligible to proceed *in forma pauperis*. Plaintiffs were given until thirty (30) days to file a completed Application to Proceed *In Forma Pauperis*. Plaintiffs failed to submit a completed Application or pay the \$350.00 filing fee by the April 4, 2013 deadline.

Based on the foregoing and good cause appearing therefore,

## RECOMMENDATION

**IT IS HEREBY RECOMMENDED** that Plaintiffs Application to Proceed *In Forma Pauperis* (#1) be **denied with prejudice** for failure to file a completed Application by April 4, 2013.

**IT IS FURTHER RECOMMENDED** that this action be **dismissed** for failure to pay the filing fee.

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 10th day of April, 2013.

  
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**C.W. Hoffman, Jr.**  
**United States Magistrate Judge**